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COMMISSION ON HUMAN RIGHTS
Subcommission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUBCOMMISSION HAS BEEN CONCERNED

Note by the Secretary-General

1. Pursuant to Subcommission resolution 5 (XIV), the present note reviews developments between 15 June 1994 and 1 May 1995 in fields with which the Subcommission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the forty-seventh session of the Subcommission (E/CN.4/Sub.2/1995/1/Add.1).

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 May 1995, 131 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights. As at the same date 129 States had ratified or acceded to the International Covenant on Civil and Political Rights and 82 States had ratified or acceded to the Optional Protocol to the Covenant. Additionally, 44 States had made the declaration envisaged under article 41, paragraph 1, of the Covenant.

3. The Second Optional Protocol aiming at the abolition of the death penalty, which was adopted and opened for signature, ratification or accession by the General Assembly in resolution 44/128 of 15 December 1989, entered into force on 11 July 1991 in accordance with the provisions of its article 8. As at 1 May 1995, there were 28 States parties to the Second Optional Protocol.

Committee on Economic, Social and Cultural Rights

4. At its eleventh and twelfth sessions, held in November-December 1994 and in May 1995 respectively, the Committee considered 10 reports submitted under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. Additionally, at its eleventh session, the Committee reviewed the implementation of the Covenant in relation to one State party, which had failed to send its initial report since 1977.

5. During its eleventh session, the Committee held a general discussion on human rights education; it also finalized a general comment on persons with disabilities (General Comment No. 5 (1994) of 28 November 1994) and adopted a statement on economic, social and cultural rights in the context of the World Summit for Social Development.

6. At its eleventh and twelfth sessions, as a follow-up to the World Conference on Human Rights, the Committee considered the question of a draft optional protocol to the Covenant, on the basis of a paper prepared by Philip Alston (E/C.12/1994/12).

7. The Committee's offer to send two of its members to Panama for follow-up action with respect to the implementation of the right to housing (art. 11.1 of the Covenant) had been endorsed by the Economic and Social Council in its decision 1993/294 of 28 July 1993 and accepted by the Government of Panama during the Committee's eleventh session in December 1994. The mission took place from 16 to 22 April 1995, and the report thereon will be considered by the Committee at its twelfth session.

8. The Committee's report on its tenth and eleventh sessions (E/1995/22), will be submitted to the Council at its next substantive session in July 1995. At the time of writing, extracts of the report on its twelfth session were being prepared for submission to the Council.

Human Rights Committee

9. During its fifty-first, fifty-second and fifty-third sessions held in July, October-November 1994 and March-April 1995 respectively, the Committee considered 15 reports submitted under article 40 of the International Covenant on Civil and Political Rights, and two reports received pursuant to special decisions by the Committee, requesting the Governments of Burundi and Haiti to submit urgent reports on events affecting human rights protected under the Covenant. It also adopted General Comment No. 24 (52) relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant.

10. During the three sessions, the Committee also adopted 25 Views under article 5, paragraph 4, of the Optional Protocol to the Covenant, and took 20 decisions declaring communications inadmissible under the Optional Protocol.

11. A report on the Committee's forty-ninth to fifty-first sessions was submitted to the General Assembly at its forty-ninth session (A/49/40) and a report on its fifty-second to fifty-fourth sessions will be submitted to the General Assembly following the Committee's fifty-fourth session in July 1995 (A/50/40).

Commission on Human Rights

12. The Commission, at its fifty-first session, adopted resolution 1995/22 of 24 February 1995 concerning the status of the International Covenants on Human Rights. In that resolution, the Commission, inter alia, appealed strongly to all States that had not yet become parties to the Covenants to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration under article 41; invited the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants and, through the programme of advisory services in the field of human rights, to provide such services as might be sought by States that were not parties to the Covenants, with a view to assisting them to ratify or accede them; encouraged States parties to review periodically any reservations made in respect of the provisions of the Covenants with a view to withdrawing them; urged States parties to fulfil in good time their reporting obligations under the International Covenants; also urged States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights; requested the Secretary-General to consider ways and means of assisting States parties in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports; and requested the Secretary-General to provide the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with additional means to deal effectively and in a timely manner with the increasing workload.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

13. At 1 May 1995, 145 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination.

Committee on the Elimination of Racial Discrimination

14. During its forty-fifth and forty-sixth sessions, held in August 1994 and February-March 1995 respectively, the Committee considered reports submitted by 17 States parties to the Convention. Additionally, the Committee reviewed, at its forty-fifth session, the application of the Convention in two States parties whose reports were long overdue. At its forty-sixth session, it adopted a decision on inadmissibility under article 14 of the Convention. At each of the two sessions, it discussed the programme of action for the Third Decade to Combat Racism and Racial Discrimination.

15. At its forty-fifth session the Committee took three special decisions, concerning the situations in Rwanda and in Burundi and racist acts of terrorism, and adopted a special decision concerning Rwanda at its forty-sixth session. Also at its forty-sixth session, the Committee reviewed the situation in three States which had been scheduled for consideration by special decisions of the Committee, the Federal Republic of Yugoslavia, Croatia and Bosnia and Herzegovina. It also asked for urgent reports from Burundi, the Russian Federation, Algeria and Papua New Guinea and for further information from Mexico, and urged the former Yugoslav Republic of Macedonia to send its initial report.

16. A report on the Committee's forty-fourth and forty-fifth sessions was submitted to the General Assembly at its forty-ninth session (A/49/18) and a report on the Committee's forty-sixth and forty-seventh sessions will be submitted to the General Assembly at its fiftieth session (A/50/18) following the Committee's forty-seventh session in August 1995.

III. INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

17. At 15 December 1994, there were 99 States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Group of Three established under the Convention

18. At its sixteenth session, in January 1995, the Group, inter alia, welcomed the significant and very positive developments that had occurred in South Africa since its last session, in particular the entry into force on 27 April 1994 of the first non-racial and democratic Constitution, and the holding of the first non-racial elections from 26 to 29 April 1994. The Group also noted the various steps taken since 1993 by the United Nations progressively to put an end to all measures against South Africa, noting in particular that the Special Committee against Apartheid, established by General Assembly resolution 1761 (XVII) of 6 November 1962, and the United Nations Centre against Apartheid had been dissolved.

19. In view of the foregoing, the Group recommended to the Commission on Human Rights to suspend any further meetings of the Group of Three, without prejudice to any subsequent reactivation of the monitoring mechanism of the Convention.

Commission on Human Rights

20. At its fifty-first session, the Commission adopted resolution 1995/10 of 17 February 1995, in which the Commission, noting that the era of apartheid had come to an end in South Africa, welcoming the establishment of a united, non-racial and democratic government in South Africa, acknowledging with appreciation the contribution of the international community, in particular the Group of Three, in the efforts towards the eradication of apartheid and noting the report of the Group of Three (E/CN.4/1995/76), decided to suspend meetings of the Group of Three as from the date of adoption of the resolution.

IV. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

21. At 1 May 1995, the Convention had been ratified or acceded to by 88 States.

Committee against Torture

22. At its thirteenth and fourteenth sessions, held in November 1994 and April-May 1995 respectively, the Committee against Torture considered 11 reports submitted to it under article 19 of the Convention and continued in closed meeting its activities under article 20 (inquiries) and 22 (individual communications) of the Convention. During its two sessions, the Committee took six decisions declaring communications inadmissible and adopted two Views under article 22 of the Convention. A report of the Committee's thirteenth and fourteenth sessions has been submitted to the General Assembly at its fiftieth session (A/50/44).

Commission on Human Rights

23. The Commission, at its fifty-first session, adopted resolution 1995/37A of 3 March 1995, concerning torture and other cruel, inhuman or degrading treatment or punishment. In its resolution, the Commission, inter alia, encouraged the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible; urged all States to become parties to the Convention as a matter of priority; and invited all States ratifying or acceding to the Convention and those States parties that had not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20; welcomed the attention that the Committee against Torture had given to the development of an effective system of reporting on the implementation of the Convention by States parties, including its practice of formulating concluding observations after the consideration of such reports, as well as its practice of carrying out inquiries into cases where there were indications of the systematic practice of torture in States parties; requested the Secretary-General to ensure the provision of an adequate and stable level of staffing and technical equipment to ensure the effective performance of the functions of the Committee against Torture; and renewed its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contribution to the United Nations Voluntary Fund for Victims of Torture.

V. CONVENTION ON THE RIGHTS OF THE CHILD

24. At 1 May 1995, the Convention on the Rights of the Child had been ratified or acceded to by 174 States.

Committee on the Rights of the Child

25. At its seventh, eighth and ninth sessions, held in September-October 1994, January and May-June 1995 respectively, the Committee considered 18 reports submitted under article 44 of the Convention on the Rights of the Child.

26. At its seventh session, the Committee discussed the role of the family in the promotion of the rights of the child. It also adopted recommendations concerning the role of informal regional meetings in contributing to a wider promotion of the rights of the child (seventh session, recommendation 2), concerning its cooperation with the expert appointed to carry out the study on "Children in armed conflict" (seventh session, recommendation 1), and concerning its cooperation with the Centre for Human Rights in the field of advisory services and technical assistance, as well as with other relevant bodies within the United Nations system and other competent bodies, including non-governmental organizations (seventh session, recommendation 3). At its eighth session, it discussed the situation of the girl child and adopted one recommendation concerning the Committee's participation in and contribution to the Fourth World Conference on Women.

General Assembly

27. At its forty-ninth session, the General Assembly adopted resolution 49/211 of 23 December 1994, concerning the implementation of the Convention, in which it urged all States that had not done so to sign, ratify or accede to the Convention as a matter of priority, with a view to reaching universal ratification by 1995; urged States parties that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them; and called upon States parties to submit their reports to the Committee on time, in accordance with the guidelines elaborated for that purpose. It also welcomed the consideration by the Committee of the reservations and declarations entered by States parties to the Convention, noted with appreciation the elaboration by the Committee of a preliminary draft optional protocol to the Convention on the involvement of children in armed conflicts and approved the Committee's request to increase to three the number of its annual sessions as from 1995.

Commission on Human Rights

28. The Commission, at its fifty-first session, adopted resolution 1995/79 of 8 March 1995. In its resolution the Commission, inter alia, urged all States that had not done so to ratify or accede to the Convention as a matter of priority; took note of the consideration by the Committee of the reservations and declarations entered by States parties; and requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee. It also welcomed the progress made in the working group on a draft optional protocol to the Convention on the involvement of children in armed conflicts and requested the Secretary-General to submit a report on the implementation of the Convention to the Commission at its fifty-second session.

VI. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

29. The General Assembly at its forty-ninth session adopted resolution 49/178 of 23 December 1994. In its resolution, the Assembly, inter alia, welcomed the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing and otherwise improving reporting procedures; again urged States parties to make every effort to meet their reporting obligations; welcomed the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services; and urged States parties to address, at their next meetings, the issue of States parties consistently not complying with their reporting obligations.

30. The Commission on Human Rights at its fifty-first session adopted resolution 1995/92 of 8 March 1995, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". In its resolution, the Commission, inter alia, urged States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Inhuman, Cruel or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly; requested the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerisation as soon as possible by requesting Member States, in particular States that were parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system; urged the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States; endorsed the recommendations of the persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies; recommended that the reporting guidelines adopted by the treaty bodies be amended to identify gender-specific information to be addressed by States parties in their reports; and urged all States parties whose reports had been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports.

VII. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

31. The Convention, which was adopted by the General Assembly in 1990, will enter into force when at least 20 States have ratified it. As at 1 May 1995, three States (Egypt, Morocco and the Seychelles) had ratified or acceded to the Convention and three States (Chile, Mexico and the Philippines) had signed it.

32. The General Assembly, at its forty-ninth session, adopted resolution 49/175 of 23 December 1994 in which the Assembly, inter alia, called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expressed the hope that the

Convention would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and invited the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.

33. The Commission on Human Rights, at its fifty-first session, adopted a similar resolution (1995/21 of 24 February 1995).